

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

Application for Mediators

*Please complete the entire application, using additional paper if necessary. You may also attach a resume.*

Name: Frank H. Gibbes, III

Firm or Office Name: Gibbes Burton, LLC

Office Address: 200 Whitsett Street, Suite A, Post Office Box 10228, Greenville, SC 29603

Office Phone: (864) 250-9530 Office Fax: (864) 250-9531

email address: fgibbes@gibbesburton.com

ADMISSIONS AND AFFILIATIONS

Date admitted to the Bar of the District of South Carolina: 1971 I.D. No.: 2084

Date admitted to the South Carolina Bar: 1971 Bar No.: 2416

Other courts or jurisdictions to which admitted (with dates of admission and bar nos.): None

Membership and positions held in bar, ADR and professional associations: Past President, South Carolina Defense Trial Attorney's Association; Past President, Greenville County Bar Association; Member, South Carolina Supreme Court Circuit Court Rules Committee.

Are you a member in good standing in each jurisdiction where admitted to practice law? ☒ yes ☐ no

Are you currently the subject of any pending disciplinary proceeding in any jurisdiction: ☐ yes ☒ no

Have you, within the last 5 years, been denied admission to a bar for character or ethical reasons or disciplined for professional misconduct? ☐ yes ☒ no

EDUCATION

Year law degree received 1971 Law School U.S.C. Law School

Other professional degrees received (including year and school) Davidson College, BA, 1966

LEGAL EXPERIENCE (A minimum of 5 years of law practice required)

Summarize legal experience (including teaching) since admission to the bar, particularly in the past five years:  
I have practiced law for the past twenty-nine (29) years. My practice has primarily been a trial practice focused on handling and trying complex cases. Most of the cases I have tried have fallen in the following practice areas: design and construction; commercial; healthcare and ERISA; employment; and products liability. I have tried more than 125 cases including jury trials, non-jury trials, and arbitration hearings.

Percentage of practice in last 5 years representing plaintiff 5 % or defense 95 %

Percentage of Federal or State court practice in last 5 years: Federal 65 % State 35 %

Number of years engaged in active litigation: 29 years

---

#### EXPERTISE

Indicate all substantive areas in which you have expertise. Place a "1" by your strongest area(s) and a "2" by all other areas in which you have expertise. (Do not rank beyond "1" and "2") After any category you have marked, please identify any sub-areas of expertise you have (e.g. "medical malpractice" after Personal Injury).

<u>      </u> Admiralty	<u>      </u> Security or Shareholders suits
<u>      </u> Antitrust	<u>      </u> Labor
<u>  2  </u> Contracts	<u>  1  </u> ERISA
<u>      </u> Environment	<u>  2  </u> Wrongful Termination
<u>      </u> Fraud or Civil RICO	<u>  2  </u> Civil Rights in Employment
<u>      </u> Insurance	<u>      </u> Other Civil Rights
<u>      </u> Miller Act	<u>      </u> Copyrights
<u>      </u> Personal Injury	<u>      </u> Patent
<u>  2  </u> Product Liability	<u>      </u> Trademark
<u>  1  </u> Other (specify) : Design and Construction	

Publications: \_\_\_\_\_  
\_\_\_\_\_

---

#### MEDIATION EXPERIENCE

Mediation experience (particularly in the subject matter categories above): I received my certification as a mediator from the South Carolina Circuit Court on October 6, 2000. Since that time I have conducted one mediation - a commercial dispute involving claims in excess of \$500,000 which we resolved through the mediation process. Over the past 5-10 years, I have served as counsel for parties involved in mediation of complex disputes on 15 or 20 separate occasions. These have included multi-million dollar disputes in the following areas: design and construction, commercial, and products liability.

Other courts or organizations for whom you serve as a mediator (please note any certifications): I am certified as a mediator by the South Carolina Circuit Court

Number of mediations conducted:   1   Number of other ADR sessions conducted:   0  

---

#### MEDIATION AND OTHER ADR TRAINING

<u>Course Provider</u>	<u>Content</u>	<u>Course Date</u>	<u>Place</u>	<u>No. of Hours</u>
South Carolina Council for Conflict Resolution	Mediation Training	July 10-14, 2001	Columbia, SC	40

OTHER INFORMATION

Are you familiar with the statutes, rules and practice governing alternative dispute resolution in the district of South Carolina? ☒ yes ☐ no

Other relevant experience or skills or other information you would like considered in connection with this application:

See attached resume

Cities in which you are available to conduct mediation:

☒ Columbia

☒ Charleston

☒ Greenville

☒ Florence

Other All cities in South Carolina

Fees charged:

Hourly Rate: \$      Minimum charge each mediation: \$ See attached

How do you bill for travel? (explain): See attached

I agree to: (1) Be subject to the Rules of Professional Conduct, Rule 407, South Carolina Appellate Court Rules; the Rules for Lawyer Disciplinary Enforcement, Rule 413, South Carolina Appellate Court Rules; and the Local Rules of the District Court; (2) Provide mediation to indigents without pay if ordered by the Court; (3) Notify the alternative Dispute Resolution Program Director of any change in the above facts or otherwise in my ability to perform duties as a mediator; (4) Disclosure of information contained in this application to litigants and other members of the public.

I certify that the foregoing is true and correct.

Signature: Frank W. Billie

Applicant

Date: 1.25.01

Return Completed application:  
Danny H. Mullis, Director  
Alternative Dispute Resolution Program  
United States District Court  
Post Office Box 835  
Charleston, South Carolina 29402-0835

Reviewed: Danny H. Mullis

ADB Program

Date: 1/23/01

Approved: [Signature]

U.S. District Judge

Date: 1/29/01

3/2/00

## MEDIATOR'S RESUME

**FRANK H. GIBBES, III**  
**Gibbes Burton, LLC**  
**Post Office Box 10228**  
**Greenville, South Carolina 29603**  
**(864) 250-9530**  
**(864) 250-9531 (facsimile)**  
**Email: Fgibbes@gibbesburton.com**

- College:** Davidson College (AB 1966)
- Military:** United States Army - Infantry (1<sup>st</sup> Lieutenant - 1966-1968;  
Captain - USAR 1968-1974)
- Law School:** University of South Carolina (JD *cum laude* 1971)  
  
Editor-in-Chief, South Carolina Law Review (1970)  
Member, Phi Delta Phi  
Member, Order of the Wig and Robe
- Associations:** Greenville County Bar Association, President 1999  
South Carolina Bar Association  
American Bar Association  
Member, Forum on the Construction Industry
- Professional:** South Carolina Defense Trial Attorneys' Association, President, 1988-89  
Federation of Insurance and Corporate Counsel  
Member, Construction Law Section  
Member, Products Liability Section  
Defense Research Institute  
National Association of Railroad Trial Counsel
- Court:** Member, South Carolina Supreme Court Circuit Court Rules Committee (1983-present)
- Honors:** Listed in The Best Lawyers in America since 1991

## SCHEDULE OF MEDIATOR'S FEES AND EXPENSES

FRANK H. GIBBES, III

**Matter:**

**Attorneys:**

### 1. Mediator's Fees.

#### a. Applicable Hourly Rate:

Number of Parties	Hourly Rate
2	\$100 each
3	\$70 each
4	\$55 each
5 or more	\$50 each

b. **Billable Time.** Includes time spent in preparation (review of submittals by parties), pre-mediation planning sessions, conference calls, mediation sessions, travel, post-mediation reports, and other activities required by court or agreement of the parties.

c. **Minimum Charge –Mediation Session:** Four hours for conduct of actual mediation session.

#### d. Cancellation Charge.

Cancellation Date	Cancellation Charge
More than 7 days before scheduled date	\$-0-
7 or less days before scheduled date	\$250

### 2. Expenses

a. **Mileage.** \$.325 a mile.

b. **Out of Pocket.** Actual cost.

c. **Administrative Charge.** \$20 per party.